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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 Case #3:14-cv-00175-LRH-WGC

9 Andrey Slomnitsky

10 Plaintiff(s),

11 vs.

12 Scott A. Caldwell, Robert M. Buchan,
13 Randy E. Buffington, Stephen M. Jones

14 Defendant(s).

VERIFIED PETITION FOR
PERMISSION TO PRACTICE
IN THIS CASE ONLY BY
ATTORNEY NOT ADMITTED
TO THE BAR OF THIS COURT
AND DESIGNATION OF
LOCAL COUNSEL

FILING FEE IS \$250.00

15
16 Kyle A. Niemi, Petitioner, respectfully represents to the Court:
(name of petitioner)

17 1. That Petitioner is an attorney at law and a member of the law firm of

18 Sullivan & Cromwell LLP

19 (firm name)

20 with offices at 1870 Embarcadero Road,
(street address)

21 Palo Alto,

22 (city)

California,

(state)

94303,

(zip code)

23 (650)461-5600,

(area code + telephone number)

niemik@sullcrom.com

(Email address)

24 2. That Petitioner has been retained personally or as a member of the law firm by

25 Scott A. Caldwell, Robert M. Buchan * to provide legal representation in connection with
26 [client(s)]

27 the above-entitled case now pending before this Court.

28 *Randy E. Buffington, and Stephen M. Jones

3. That since December 11, 2012, Petitioner has been and presently is a
(date)
member in good standing of the bar of the highest Court of the State of California
(state)
where Petitioner regularly practices law. Petitioner shall attach a certificate from the state bar or
from the clerk of the supreme court or highest admitting court of each state, territory, or insular
possession of the United States in which the applicant has been admitted to practice law certifying
the applicant's membership therein is in good standing.

4. That Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts of other States on the dates indicated for each, and that Petitioner is presently a member in good standing of the bars of said Courts.

Court	Date Admitted	Bar Number
United States Court of Appeals, Ninth Circuit	February 15, 2013	287404
United States District Court, Northern District CA	February 14, 2013	287404
United States District Court, Eastern District CA	March 4, 2013	287404
United States District Court, Southern District CA	March 4, 2013	287404
United States District Court, Central District CA	February 14, 2013	287404

5. That there are or have been no disciplinary proceedings instituted against petitioner, nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory or administrative body, or any resignation or termination in order to avoid disciplinary or disbarment proceedings, except as described in detail below:

N/A

1 6. That Petitioner has never been denied admission to the State Bar of Nevada. (Give
2 particulars if ever denied admission):

3 N/A
4
5

6 7. That Petitioner is a member of good standing in the following Bar Associations.

7 California Bar Association
8 American Bar Association
9

10 8. Petitioner has filed application(s) to appear as counsel under Local Rule IA 11-2
11 (formerly LR IA 10-2) during the past three (3) years in the following matters: (State "none" if no applications.)

12 Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied
13			
14	NONE		
15			
16			
17			
18			

19 (If necessary, please attach a statement of additional applications)

20 9. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the
21 State of Nevada with respect to the law of this state governing the conduct of attorneys to the same
22 extent as a member of the State Bar of Nevada.

23 10. Petitioner agrees to comply with the standards of professional conduct required of
24 the members of the bar of this court.

25 11. Petitioner has disclosed in writing to the client that the applicant is not admitted to
26 practice in this jurisdiction and that the client has consented to such representation.
27
28

1 That Petitioner respectfully prays that Petitioner be admitted to practice before this Court
2 FOR THE PURPOSES OF THIS CASE ONLY.

3
4 STATE OF California)
5 COUNTY OF Santa Clara)
6


Petitioner's signature

7 Kyle A. Niemi, Petitioner, being first duly sworn, deposes and says:
8 That the foregoing statements are true.

9

Petitioner's signature

10 Subscribed and sworn to before me this

11 25th day of September, 2019.

12
13 Maria Isabel Cabrera Ramirez (see attached seal)
14 Notary Public or Clerk of Court

15
16 **DESIGNATION OF RESIDENT ATTORNEY ADMITTED TO**
17 **THE BAR OF THIS COURT AND CONSENT THERETO.**

18 Pursuant to the requirements of the Local Rules of Practice for this Court, the Petitioner
19 believes it to be in the best interests of the client(s) to designate John Patrick Desmond,
20 (name of local counsel)
21 Attorney at Law, member of the State of Nevada and previously admitted to practice before the
22 above-entitled Court as associate resident counsel in this action. The address and email address of
23 said designated Nevada counsel is:

24 Dickinson Wright PLLC, 100 W Liberty Street, Suite 940,
(street address)
25 Reno, Nevada, 89501,
(city) (state) (zip code)
26 (775)343-7500, jdesmond@dickinsonwright.com,
(area code + telephone number) (Email address)
27
28

1 By this designation the petitioner and undersigned party(ies) agree that this designation
2 constitutes agreement and authorization for the designated resident admitted counsel to sign
3 stipulations binding on all of us.

4
5 **APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL**

6
7 The undersigned party(ies) appoint(s) John P. Desmond as
8 his/her/their Designated Resident Nevada Counsel in this case.

9
10 By: 

(party's signature)

11
12 SCOTT A. CALDWELL, Defendant
(type or print party name, title)

13
14 (party's signature)

15 ROBERT M. BUCHAN, Defendant
(type or print party name, title)

16
17 (party's signature)

18 RANDY E. BUFFINGTON, Defendant
(type or print party name, title)

19
20 (party's signature)

21 STEPHEN M. JONES, Defendant
(type or print party name, title)

1 By this designation the petitioner and undersigned party(ies) agree that this designation
2 constitutes agreement and authorization for the designated resident admitted counsel to sign
3 stipulations binding on all of us.
4

5 **APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL**
6

7 The undersigned party(ies) appoint(s) John P. Desmond as
8 his/her/their Designated Resident Nevada Counsel in this case.
9

10 By: _____

11 (party's signature)

12 SCOTT A. CALDWELL, Defendant

13 (type or print party name, title)

14 _____
15 (party's signature)

16 ROBERT M. BUCHAN, Defendant

17 (type or print party name, title)

18 _____
19 (party's signature)

20 RANDY E. BUFFINGTON, Defendant

21 (type or print party name, title)

22 _____
23 (party's signature)

24 STEPHEN M. JONES, Defendant

(type or print party name, title)

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11 (party's signature)

12 SCOTT A. CALDWELL, Defendant

13 (type or print party name, title)

14 _____
(party's signature)

15 ROBERT M. BUCHAN, Defendant

16 (type or print party name, title)

17 
(party's signature)

18 RANDY E. BUFFINGTON, Defendant

19 (type or print party name, title)

20 
(party's signature)

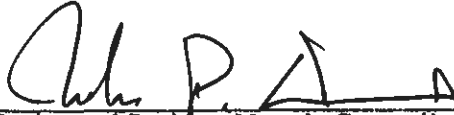
21 STEPHEN M. JONES, Defendant

22 (type or print party name, title)
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CONSENT OF DESIGNEE

The undersigned hereby consents to serve as associate resident Nevada counsel in this case.



Designated Resident Nevada Counsel's signature

5618

Bar number

jdesmond@dickinsonwright.com

Email address

APPROVED:

DATED this 26th day of September, 2019.



LARRY R. HICKS

UNITED STATES DISTRICT JUDGE



The State Bar
of California

OFFICE OF ATTORNEY REGULATION
& CONSUMER RESOURCES

180 Howard Street, San Francisco, CA 94105

888-800-3400

AttorneyRegulation@calbar.ca.gov

CERTIFICATE OF STANDING

September 18, 2019

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, KYLE ALLEN NIEMI, #287404 was admitted to the practice of law in this state by the Supreme Court of California on December 11, 2012 and has been since that date, and is at date hereof, an ACTIVE licensee of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Trustees or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "D/V", is positioned above the name Denise Velasco.

Denise Velasco
Custodian of Records

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Santa Clara)
 On September 25, 2019 before me, Maria Isabel Caldera Ramirez
 Date Here Insert Name and Title of the Officer
 personally appeared Kyle A. Niemi
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Pro Hac Vice App/Nevada Document Date: 9/25/19
 Number of Pages: 1 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Kyle A. Niemi
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☒ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____